

**REGULAR MEETING OF CASS COUNTY BOARD OF COMMISSIONERS  
MAY 2, 2016**

**1. MEETING CALLED TO ORDER**

Chairwoman Mary Scherling called the meeting to order at 3:30 PM with all members present as follows: Ken Pawluk, Rick Steen, Arland H. Rasmussen, Chad M. Peterson and Mary Scherling.

**2. PLEDGE OF ALLEGIANCE**

Heather Worden led the Pledge of Allegiance.

**3. MINUTES APPROVED**

***MOTION, passed***

**Mr. Rasmussen moved and Mr. Peterson seconded that the minutes of the previous meeting be approved as written. Motion carried.**

**4. AGENDA, Order approved**

***MOTION, passed***

**Mr. Pawluk moved and Mr. Peterson seconded to approve the order of the agenda. Motion carried.**

**5. CONSENT AGENDA APPROVED**

***MOTION, passed***

**Mr. Pawluk moved and Mr. Steen seconded to approve the consent agenda as follows: On roll call vote, the motion carried unanimously.**

- a. Receive and file Indemnity Bond on Lost Instrument for Robbie Donald Glarum and authorize the county auditor and county treasurer to issue a duplicate check.
- b. Grant a site authorization permit to conduct games of chance under license issued by the North Dakota Attorney General's Office for the period of January 13, 2017, through January 21, 2017, for the Cass County Wildlife Club at Red River Valley Fairgrounds, West Fargo; and grant site authorization permits to conduct games of chance under license issued by the North Dakota Attorney General's Office for the period of July 1, 2016, through June 30, 2017, for the following: Veteran's, Inc. at the Bronco Bar, Chaffee; Red River Human Services Foundation at the Wild Rice Bar & Grill, Wild Rice; The Arc, Upper Valley, Inc. at the Club 94, Casselton; and Christine Volunteer Firefighters, Inc. at the Knickerbocker Liquor Locker, Hickson.
- c. Approve a special event permit for Bar Nine to serve alcoholic beverages on May 21, 2016, during the hours of 6:00 PM to 12:00 AM for a wedding reception to be held at Bonanzaville, U.S.A. in West Fargo, North Dakota; special event permit for Bar Nine to serve alcoholic beverages on May 28, 2016, during the hours of 5:00 PM to 12:00 AM for the Billodeau/McMahon wedding reception to be held at Bonanzaville, U.S.A. in West Fargo, North Dakota; special event permit for Bar Nine to serve alcoholic beverages on May 28, 2016, during the hours of 5:00 PM to 12:00 AM for the Weston wedding reception to be held at Bonanzaville, U.S.A. in West Fargo, North Dakota; and special event permit for B & G Beverages II, Inc. d/b/a the Town Hall Bar to serve alcoholic beverages on May 7, 2016, during the hours of 11:00 AM to 4:00 PM for a Diamond in the Ruff Pet Rescue event at the Red River Valley Fairgrounds in West Fargo, North Dakota.
- d. Authorize the chair to sign a Certification of Significant Community Support for Kindred Fire Department to build an addition to its current facility in the City of Kindred.
- e. Authorize the chair and county auditor to sign a county deed for tax-forfeited property sold in the Village of Wheatland.
- f. Approve a change in polling location for precinct 22-06 from Shiloh Evangelical Church to Triumph West Church.
- g. Authorize the chair to sign the North Dakota Department of Transportation Local Match Certification for Federal Aid bridge project BRO-0009(044) in Section 10 of Durbin Township.

## h. Contract approval

- County Highway 11 maintenance agreement—outlines maintenance responsibilities between Cass County and Mapleton City for the road based on the original construction agreement for a project completed in 2010;
- Riley Bros Construction, Inc.—box culvert replacement projects in Addison-Davenport and Maple River-Leonard Townships between State Highway 18 in Davenport and Cass County Highway 16.

**6. RESOLUTION #2016-6, Scheduling a Public Hearing for MIDA bond host approval for Dakota Boys and Girls Ranch**

Attorney Jim Stewart was present to discuss projects for the Dakota Boys and Girls Ranch Foundation. He said there are three projects included in the financing: a residential facility in Bismarck, thrift store in Grand Forks and thrift store in West Fargo. The project in Cass County is to refinance a one-story building containing a thrift store, related facilities and parking lot at 810 13<sup>th</sup> Avenue East in West Fargo. Grand Forks County has agreed to issue the bonds but because the project is outside its jurisdiction, Cass County is being asked to provide “host approval”.

***MOTION, passed***

**Mr. Pawluk moved and Mr. Peterson seconded to adopt Resolution #2016-6 Scheduling a Public Hearing Relating to a Project under the Municipal Industrial Development Act (Dakota Boys and Girls Ranch Foundation Project). On roll call vote, the motion carried unanimously.**

**7. ROAD DEPARTMENT, Contract approved with Gowan Construction for asphalt millings**

Jason Benson, County Engineer, was contacted by Gowan Construction, Inc. about selling asphalt millings to Cass County. The company is part of a reconstruction project on I-29 near Gardner, North Dakota, and the county has a stockyard in Gardner. Mr. Benson said a formal request for bids was issued, and Gowan Construction was the only contractor to submit a bid. The company has 20,000 tons of millings and their bid is \$10 per ton for a total of \$200,000. He said this year the bids for gravel to be stockpiled in Gardner came in at \$18.50 per ton. The plan is to use the asphalt millings for future projects to blend in with existing gravel, resulting in a much lower cost to the county.

Mr. Pawluk asked how the cost will be paid. Mr. Benson said the Road Fund will be around \$4 million under the projected budget because of lower construction bids for 2016 projects, and he would like to pay for the cost from this fund. There was discussion about decreasing the gravel line item by \$200,000, but Mr. Pawluk suggested the final decision be left to the county engineer.

***MOTION, passed***

**Mr. Pawluk moved and Mr. Peterson seconded to authorize the chair to sign a contract with Gowan Construction, Inc. for the purchase of asphalt millings in the amount of \$200,000. On roll call vote, the motion carried unanimously.**

**8. ORDINANCE #2006-1 AMENDED SUBDIVISION ORDINANCE, First reading held**

Jewel Spies, Cass County Recorder, said after the last amendment to the County Subdivision Ordinance was completed in 2012, one section was not updated with the standard plat size. For consideration today is a revision under the drafting standards to change the standard plat size dimensions from 20" x 30" to 22" x 34".

***MOTION, passed***

**Mr. Pawluk moved and Mr. Rasmussen seconded to approve the first reading of Amended Ordinance #2006-1, Cass County Subdivision Ordinance, direct that the appropriate notice be published in the official county newspaper, and schedule the second reading of the ordinance for June 6, 2016. On roll call vote, the motion carried unanimously.**

**9. ORDINANCE #1997-3 AMENDED COUNTY PARK CAMPSITES, First reading held**

Mr. Pawluk said last month the Cass County Park Board approved a \$5 rate increase for all types of campsites at Brewer Lake. As a result, the county park campsite ordinance needs to be amended to reflect the change.

***MOTION, passed***

**Mr. Pawluk moved and Mr. Steen seconded to approve the first reading of Amended Ordinance #1997-3, Cass County Park Campsites, direct that the appropriate notice be published in the official county newspaper, and schedule the second reading of the ordinance for June 6, 2016. On roll call vote, the motion carried unanimously.**

**10. FLOOD DIVERSION JOINT POWERS AGREEMENT**

John Shockley, Attorney from Ohnstad Twichell, P.C., was present to discuss the latest draft version of the Flood Diversion Joint Powers Agreement (JPA), which is 98% complete. He said the final draft of the Project Partnership Agreement (PPA) between the Corps of Engineers and non-federal project sponsors which will initiate construction of the project is near completion, and he anticipates the document will be signed in mid-July. The JPA is needed because the current Limited Joint Powers Agreement (LJPA) will terminate on or before the execution of the PPA. He reviewed the major highlights of the document with commissioners, including board composition, split delivery of the project, rotation of the chair and vice chair, committee membership, revenue sources, and specific voting requirements. He said Article I contains language that if a member entity fails to approve the JPA, it will no longer be a member entity at the time of the execution of the PPA.

Mrs. Scherling thanked Mr. Shockley for working with the six member entities to draft this document.

**11. VOUCHERS, Approved*****MOTION, passed***

**Mr. Pawluk moved and Mr. Peterson seconded to approve Voucher No. 292,550 through Voucher No. 292,776. On roll call vote, the motion carried unanimously.**

**12. CASS COUNTY LAW ENFORCEMENT CENTER; MEETING UPDATES; BUDGET HEARING DATES, Committee reports**

Keith Berndt, County Administrator, said the Sheriff's Office staff have moved into the Cass County Law Enforcement Center.

Commissioners reported on meetings they have attended or will be attending in the upcoming weeks.

Commissioners discussed budget hearing dates in order to schedule the time on their calendars. After some discussion, members decided to reserve August 15-16 to hold budget meetings.

**13. ADJOURNMENT*****MOTION, passed***

**On motion by Mr. Pawluk, seconded by Mr. Peterson and all in favor, the meeting was adjourned at 5:18 PM.**

ATTEST:

APPROVED:

---

Michael Montplaisir – Auditor  
Cass County, North Dakota

---

Mary Scherling, Chairwoman  
Cass County Board of Commissioners